

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Webroot, Inc. and Open Text, Inc.,

Plaintiffs,

v.

Trend Micro Inc.

Defendants.

Civil Action No.
6:22-cv-00239-ADA

JURY TRIAL DEMANDED

Trend Micro Inc.

Counterclaim-Plaintiff,

v.

Webroot, Inc. and Open Text, Inc.,

and

Open Text Corp,

Counterclaim-Defendants.

**JOINT NOTICE OF VOLUNTARY DISMISSAL
OF CERTAIN OF TREND MICRO'S COUNTERCLAIMS WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and the Court's Standing Order Governing Proceedings (OGP) 4.1 – Patent Cases (filed April 14, 2022), Plaintiffs Webroot, Inc. and Open Text, Inc. and Defendant Trend Micro Inc. hereby file this Joint Notice of Voluntarily Dismissal of Certain of Trend Micro's Counterclaims Without Prejudice, and respectfully show as follows:

Defendant Trend Micro Inc. hereby voluntarily dismisses, without prejudice, the following counterclaims from Trend Micro Inc.'s Answer, Affirmative Defenses, and Counterclaims to

Plaintiffs Webroot, Inc. and Open Text, Inc.'s Complaint for Patent Infringement (ECF No. 18) pursuant to and in accordance with the procedure set forth in the Court's Standing OGP 4.1:

1. Claims for indirect infringement (e.g., claim for inducement and contributory infringement under 35 U.S.C. § 271(b)-(c)) to the extent those claims involve allegations of indirect infringement prior to the filing date of Trend Micro Inc.'s Answer, Affirmative Defenses, and Counterclaims to Plaintiffs Webroot, Inc. and Open Text, Inc.'s Complaint for Patent Infringement; and
2. Claims for willful infringement to the extent those claims involve allegations of willful infringement prior to the filing date of Trend Micro Inc.'s Answer, Affirmative Defenses, and Counterclaims to Plaintiffs Webroot, Inc. and Open Text, Inc.'s Complaint for Patent Infringement.

Defendant Trend Micro Inc. hereby maintains its counterclaims of indirect and willful infringement to the extent those claims involve allegations of indirect and/or willful infringement arising after the filing date of Trend Micro Inc.'s Answer, Affirmative Defenses, and Counterclaims to Plaintiffs Webroot, Inc. and Open Texts, Inc.'s Complaint for Patent Infringement, and the Counterclaim-Defendants reserve their right to seek dismissal of such claims.

Dated: May 26, 2022

Respectfully submitted,

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Counsel for Plaintiffs, Webroot, Inc. and Open Text, Inc.

DATED: May 26, 2022

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record as being served with a copy of the foregoing document via the court's CM/ECF system on May 26, 2022.

/s/ Jeffrey D. Mills
Jeffrey D. Mills